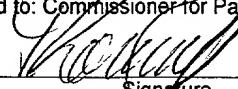


10/05/01
JC951 U.S. PTO

10 - 09 - 01

JC978 U.S. PTO
09/09/01
10/05/01

CERTIFICATE OF EXPRESS MAIL	
NUMBER	EL521284978US
DATE OF DEPOSIT	October 5, 2001
I hereby certify that this paper or fee is being deposited with the United States Postal Service "EXPRESS MAIL POST OFFICE TO ADDRESSEE" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to: Commissioner for Patents, Washington, D.C. 20231.	
 Signature	

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

James A. Baum
Amy Jelen Gilmer
Anne-Marie Light Mettus

§ Prior application

Serial No. 09/337,635

Group Art Unit: 1653

Examiner: K. Carlson

Serial No.:

§

Confirmation No.:

§

Filed: Concurrently herewith

§

For: **COMPOSITIONS ENCODING**
LEPIDOPTERAN-TOXIC POLYPEPTIDES
AND METHODS OF USE (As amended)

§

Atty. Dkt. No.: **MECO:214--1**
11792.0214.DVUS01

BOX PATENT APPLICATION

Commissioner for Patents
Washington, D.C. 20231

REQUEST FOR FILING DIVISIONAL APPLICATION
UNDER 37 C.F.R. § 1.53(b)

This is a request for filing a divisional application under Rule 53(b) (37 C.F.R. § 1.53(b)) of co-pending prior application Serial No. 09/337,635 filed June 21, 1999, entitled "Lepidopteran-resistant transgenic plants."

1. Enclosed is a copy of the prior application Serial No. 09/337,635 as originally filed, including specification (270 pages), claims (10 pages), abstract (1 page), drawings (11 sheets), and a declaration. The undersigned hereby verifies that the attached papers are a true copy of the prior application as originally filed and identified above, that no amendments (if any) referred to in the declaration filed to complete the prior application introduced new matter therein, and further that this statement was made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statement may jeopardize the validity of the application or any patent issuing thereon.

(a) The inventorship is the same as prior Application Serial No. 09/337,635.

(b) Deletion of inventor(s). Signed statement attached deleting inventor(s) named in the prior application, see 37 C.F.R. § 1.63(d)(2) and 1.33(b).

(c) Priority of foreign patent application number , is claimed under 35 U.S.C. § 119 (a)-(e). The certified copy:
 is enclosed.
 has been filed in the prior Application Serial No.

2. The Commissioner is authorized to charge the filing fee of **\$740.00** to Deposit Account No. 01-2508/11792.0214.DVUS01. Should any additional fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to the enclosed

materials, the Commissioner is authorized to deduct said fees from or credit any overpayment to Deposit Account No. 01-2508/11792.0214.DVUS01.

FEE CALCULATION
(upon entry of Preliminary Amendment)

FOR	NUMBER FILED	NUMBER EXTRA	RATE	FEE
Basic Fee -----				\$740.00
Total Claims	3 - 20 =	0 X	\$18.00 =	0
Independent Claims	1 - 3 =	0 X	\$80.00 =	0
Multiple Dependent Claim(s) -----				\$-0-
				<u>\$740.00</u>

3. Enclosed is a copy of the current Power of Attorney in the prior application.

4. Address all future communications to:

Patricia A. Kammerer
HOWREY SIMON ARNOLD & WHITE, LLP
750 Bering Drive
Houston, Texas 77057-2198
(713) 787-1400

5. The prior application is presently assigned to Monsanto Technology LLC.

6. Enclosed is a preliminary amendment. Any additional fees incurred by this amendment are included in box No. 2 above, and said fee has been calculated after amendment of the claims by the present preliminary amendment.

7. Enclosed are formal drawings.